

STATE OF MICHIGAN

JOHN ENGLER, Governor

DEPARTMENT OF TREASURY

TREASURY BUILDING, LANSING, MICHIGAN 48922

MARK A. MURRAY, State Treasurer

Letter # 99-4
Drunk Driving Caseflow Assistance

DATE: July 23, 1999
TO: County and Municipal Treasurers, Local Funding Units
FROM: Richard L. Baldermann, CPA, CGFM
Administrator, Local Audit and Finance Division
Subject: Drunk Driving Caseflow Assistance

Accounting letters and instructions issued by Local Audit and Finance Division (letters numbered 3-93 and 98-5) require the Drunk Driving Caseflow Assistance distribution from the State to be receipted into revenue account 544 or a subaccount of 544 in the local funding unit's general fund. The money is subject to the budgetary requirements and procedures of the local unit's board or council.

When the legislature created the drunk driving caseflow assistance fund in the State Treasury and provided that the specified amounts in the fund are to be distributed to the applicable courts, it specifically delineated its purpose in the statute creating the fund. The statute reads as follows:

. . . The purpose of the fund is to promote the timely disposition of cases in which the defendant is charged with a violation of section 625(1) or (3) of this act . . .

The drunk driving caseflow assistance fund is a required fund of the State of Michigan. The courts are funded by the local funding unit's general fund and the distribution from the State fund must be deposited into the local funding unit's general fund. There is no statutory authorization for a separate fund or bank account in a local funding unit or court.

The legislature created the State Drunk Driving Caseflow Assistance Fund at the same time new timelines for drunk driving case processing were established. The distribution by the State court administrator of the amount of money in the State fund is a percent based on the prior calendar year drunk driving case load in each court divided by the total drunk driving cases in all courts.

The court, when preparing its annual budget request, should take into consideration and include in the annual budget request the estimated costs of administering the drunk driving caseflow timetables in the court and the related estimated distribution it will receive from the State Drunk Driving Caseflow Assistance Fund. The court and the governing body of the local funding unit should reach agreement through the budget process, on the best use of the distribution.